

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY
EXECUTIVE COMMITTEE
MINUTES OF PUBLIC HEARING**

DATE.....September 1, 2004
TIME.....4:30 P.M.
PLACE.....CO. OFFICE BLDG
20 N. 3RD STREET
LAFAYETTE, IN 47901

**MEMBERS PRESENT
PRESENT**

Mark Hermodson
Dave Williams
Gary Schroeder
Bob Bowman
Atty.
Carl Griffin
KD Benson

MEMBERS ABSENT

Steve Schreckengast

STAFF

Sallie Fahey
Margo Deverall
Kathy Lind
Jay Seeger,

Heather Prough
Bianca Bullock

Mark Hermodson called the meeting to order.

I. APPROVAL OF MINUTES

Gary Schroeder moved to approve the minutes of the September 1, 2004 Executive Committee public hearing as submitted. Carl Griffin seconded and the motion carried by voice vote.

II. NEW BUSINESS

Sallie Fahey informed the Committee that **S-3507 – THE OAKS SUBDIVISION (Minor Sketch)**, would need to be dismissed because the by-laws state that subdivisions can be continued until the sixth public hearing, at which meeting the case must be heard. She explained that since this is the sixth public hearing and the issue of sanitary sewer availability has not been resolved, it must be dismissed. She mentioned the addition of the **Unified Zoning Ordinance Amendment #44** to the September 15, 2004 Area Plan Commission Public Hearing agenda. She also said that on the Lafayette Division Board of Zoning Appeals, **2004-35 – BURKHART SIGN SYSTEM** sign variance petition has been amended from 210' to 150'. She pointed out that **BZA-1672 – DAVID P. & MICHELLE K. POUNDS** have withdrawn their request and will build a legally conforming deck.

Gary Schroeder moved that the Comprehensive Plan for Tippecanoe County, the Unified Zoning Ordinance of Tippecanoe County, the Unified Subdivision Ordinance for Tippecanoe County, Indiana, are hereby entered by reference into of each agenda item. Carl Griffin seconded and the motion carried by voice vote.

III. PUBLIC HEARING

A. Final Detailed Plans

1. RESOLUTION PD 04-24: WESTMINSTER VILLAGE PLANNED DEVELOPMENT (Z-2168):

Final Detailed Plans containing both construction plans and final plat for a 12.399 acre expansion of Westminster Village Community that includes the addition of a laundry/maintenance building lot and 38 single-family lots for independent living homes. The site is located on the west side of Salisbury between Sagamore Parkway and Cumberland Avenue in West Lafayette, Wabash 7 (NW) 23-4.

Gary Schroeder moved to hear and approve the above-described request. Carl Griffin seconded.

Sallie Fahey presented slides of the zoning map, 2 aerial photos, and development plan. She recapped the staff report with recommendation of approval.

Joseph T Bumbleburg, PO Box 1535 Lafayette, IN 47902, said there have been some questions regarding the issue of the extent of required performance bonding. He explained the common areas are not typical common areas. He said the western portion of the property including the drainage ditch would be bonded. He stated the water pipes and roads would never be public since they are owned by Westminster Village. He said public improvements would not need to be made because the property is not public.

Jay Seeger said he agrees with Joe Bumbleburg on the issue of the definition of common areas. He also explained that the general improvements in a Planned Development have usually been viewed as public improvements. He said that while this is a private development, intended to be in private ownership, there is no restriction that the development remain privately owned. He concluded by saying there is nothing to distinguish this from any other Planned Development that would require bonding.

Joseph T. Bumbleburg stated that based on staff reports, the Resolution can be approved, and the issue of bonding can be worked out at a later time.

Bob Bowman asked where the surface water drainage from the development would go.

Joseph T. Bumbleburg responded that is located on the west line of the property which will be bonded, because there will be a public trail there as part of the West Lafayette trail system.

Sallie Fahey pointed out the drawing included in the staff report is incorrect.

Jay Seeger asked if there was a request for bonding made.

Margy Deverall responded that the petitioners could have pulled the plat, then they would not have needed to bond, but the petitioners chose not to do that.

Jay Seeger said the Ordinance specifically provides no location improvement permit shall be issued until a surety has been provided.

Joseph T. Bumbleburg said you wouldn't have an improvement location permit until it is recorded.

Jay Seeger said under the ordinance you would have to ask to post a bond. If public improvements or improvements for public usage are included, the petitioner shall ask the Commission at the time of the hearing to post bond.

Joseph T. Bumbleburg then said he requests permission to bond and approval.

Gary Schroeder moved that the petitioner be granted permission to bond. Carl Griffin seconded.

Sallie Fahey recapped the staff report with recommendation of approval.

The Committee voted by ballot 6 yes – 0 no to approve bonding for all public improvements.
The Committee voted by ballot 6 yes – 0 no to approve **RESOLUTION PD 04-24:**
WESTMINSTER VILLAGE PLANNED DEVELOPMENT.

B. Subdivisions

Gary Schroeder moved to dismiss **S-3507-THE OAKS SUBDIVISION.** Carl Griffin seconded the motion and the motion carried by voice vote.

1. S-3553 – McCOOL MINOR, REPLAT OF OUTLOT 1 (Minor-Sketch):

Petitioners are seeking primary approval to replat an existing 1.183-acre outlot, located on the south side of CR 800 S, approximately ½ mile east of Concord Road, in Lauramie 2 (NE) 21-4. CONTINUED FROM THE AUGUST AREA PLAN MEETING BECAUSE OF FAILURE TO COMPLY WITH THE CERTIFIED MAIL REQUIREMENTS.

Gary Schroeder moved to hear and vote on the above-described request. Carl Griffin seconded.

Kathy Lind presented slides of the zoning map, 2 aerial photos, and the sketch plan. She recapped the staff report with recommendation of conditional primary approval contingent on the following:

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

1. Except for the approved entrance, a “No Vehicular Access” statement shall be platted along the CR 800 S right-of-way line.
2. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
3. All required building setbacks shall be platted.
4. The street address and County Auditor’s key number shall be shown.

SUBDIVISION COVENANTS – The following items shall be part of the subdivision covenants:

5. The “No Vehicular Access” restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.
6. A restriction stating that Outlot 1 is not for residential use must be included.

Roger Fine, John Fisher & Associates, 625 south Earl Avenue, Lafayette, IN, concurred with staff report and requested approval.

The Committee voted by ballot 6 yes – 0 no to approve **S-3553 – McCOOL MINOR, REPLAT OF OUTLOT 1 (Minor-Sketch).**

2. S-3557 – NICHOLAS’ DEERWOOD SUBDIVISION (Minor-Sketch):

Petitioner is seeking primary approval for a two lot subdivision on 6.798 acres located on the west side of CR 100 W, just north of CR 850 N, Tippecanoe 12 (NE) 24-5.

Gary Schroeder moved to hear and vote on the above-described request. Carl Griffin seconded.

Kathy Lind presented slides of the zoning map, 2 aerial photos, and development plan. She recapped the staff report with recommendation of conditional primary approval contingent on the following:

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

1. A "No Vehicular Access" statement shall be platted along the CR 100 W right-of-way line.
2. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
3. All required building setbacks shall be platted.
4. The street addresses and County Auditor's Key Number shall be shown.
5. A deed combining the leftover area within the parent tract to an adjoining property shall be recorded prior to the final plat.

6. An ingress-egress easement at the County Highway Department's approved driveway location for these two lots shall be recorded in document form prior to the final plat. This easement shall be shown and referenced on the final plat.

SUBDIVISION COVENANTS – The following items shall be part of the subdivision covenants:

7. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

Ernie Agee, 8533 N 100 W, West Lafayette, IN, concurred with the staff report and requested approval.

The Committee voted by ballot 6 yes – 0 no to approve **S-3557 – NICHOLAS' DEERWOOD SUBDIVISION (Minor-Sketch).**

3. S-3559 – JACLYN MINOR SUBDIVISION (Minor Sketch):

Petitioner is seeking primary approval for a two lot subdivision on 4.292 acres located on the east side of Harding Road, ¼ mile north of SR 38 E, Sheffield 3 (SE) 22-3.

Gary Schroeder moved to hear and vote on the above-described request. Carl Griffin
seconded.

Kathy Lind presented slides of the zoning map, 2 aerial photos, and the sketch plan. She recapped the staff report with recommendation of conditional primary approval contingent on the following:

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

1. If there is a mortgage on this property, a recorded partial release or written acknowledgement from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
2. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
3. All required building setbacks shall be platted.
4. The street address and County Auditor's key number shall be shown

Nick Starr, 413 Teal Road, Lafayette, IN, concurred with staff report and requested approval.

The Commission voted by ballot 6 yes – 0 no to approve **S-3559 – JACYLN MINOR SUBDIVISION (Minor Sketch).**

4. S-3560 – STOVER MINOR SUBDIVISION (Minor Sketch):

Petitioner is seeking primary approval for a two lot subdivision on 15.91 acres located on the northwest corner of CR 510 S and SR 25 W near West Point, Wayne, Burnett's Reserve 5 (NE) 22-6.

Gary Schroeder moved to hear and vote on the above-described request. Carl Griffin
seconded.

Kathy Lind presented slides of the zoning map, 2 aerial photos, and sketch plan. She recapped the staff report with recommendation of conditional primary approval contingent on the following:

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

1. If there is a mortgage on this property, a recorded partial release or written acknowledgement from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
2. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).

3. All required building setbacks shall be platted.
4. The street address and County Auditor's key number shall be shown

Roger Fine, John Fisher & Associates, 625 south Earl Avenue, Lafayette, IN, concurred with staff report and requested approval.

James Bowyer, 7717 West 510 South, West Point, IN, said he is concerned about the drainage on the property.

Mark Hermodson explained that any kind of construction has to have provisions to hold the water such that it does not run off any faster than when the land was bare ground. He also said the Drainage Board has to approve the drainage plan.

Sallie Fahey mentioned that on a minor subdivision, there is usually no need for Drainage Board approval, but the County Surveyor does have final say. She directed Mr. Bowyer to the County Surveyor.

Dean Craig, 6804 S 375 W, Lafayette, IN, said he does not believe there will be an increase in drainage and spoke in favor of approving the subdivision.

Linda Mounts, 7729 West 510 S, West Point, IN, expressed her concerns regarding the subdivision and additional residences in the area.

Mark Hermodson explained the petition is merely dividing the land into two tracts, not adding a substantial number of houses. He also said the Committee does not have any discretion in approving or denying subdivisions. He went on to say the Committee checks to make sure the proposed subdivision meets the standards of the Ordinance.

Sallie Fahey clarified that only one additional home would go on the property.

The Commission voted by ballot 6 yes – 0 no to approve **S-3560 – STOVER MINOR SUBDIVISION (Minor Sketch).**

IV. APPROVAL OF THE SEPTEMBER 15, 2004 AREA PLAN COMMISSION AGENDA

A. NEW BUSINESS

Gary Schroeder moved that the following item of new business be placed on the September 15, 2004 Area Plan Commission Public Hearing agenda:

BY-LAW AMENDMENT

Carl Griffin seconded and the motion carried by voice vote.

B. ORDINANCE AMENDMENT

Gary Schroeder moved that the following ordinance amendment be placed on the September 15, 2004 Area Plan Commission Public Hearing agenda:

UZO AMENDMENT #44

Carl Griffin seconded and the motion carried by voice vote.

C. REZONES

Gary Schroeder moved that the following rezone petitions be placed on the September 15, 2004 Area Plan Commission Public Hearing agenda:

Z-2193 – RMD PROPERTIES (Hilltop PD) (NB TO PDNR)

Z-2198 – SMITH ENTERPRISES, INC. (R1B TO GB)

Z-2205 – MARY SHORT (R1 TO GB)

Z-2206 – R. GREGG SUTTER (AW TO PDRS)

Z-2207 – MICHAEL MOLTER (I3 & I2 TO GB)

Carl Griffin seconded and the motion carried by voice vote.

D. SUBDIVISIONS

Gary Schroeder moved that the following subdivision petitions be placed on the September 15, 2004 Area Plan Commission Public Hearing Agenda at petitioner's request, placement thereon being without reference to compliance or non-compliance with the adopted subdivision ordinance:

S-3562 – BLACKTHORNE PHASE 2 (Major-Preliminary)

S-3563 – STONES CROSSING COMMERCIAL (Major-Preliminary)

S-3564 – DAYTON PINES SUBDIVISION (Minor-Sketch)

Carl Griffin seconded and the motion carried by voice vote.

V. REVIEW AND APPROVAL OF THE SEPTEMBER ABZA PUBLIC HEARING AGENDA

Gary Schroeder moved to place the following petitions on the September 22, 2004 Area Board of Zoning Appeals Public Agenda:

BZA-1661 – HARRISON HIGHLAND I, LLC.

BZA-1670 – ERIC S. & DONNA S. FERGASON

BZA-1673 – JEFFREY R. & MARY NAGY

BZA-1674 – BURKHART SIGN SYSTEM

BZA-1676 – DENNIS L. & PEGGY A. DIETZ

Carl Griffin seconded and the motion carried by voice vote.

Gary Schroeder moved that petition **BZA-1673 – JEFFREY R. & MARY NAGY** for special exceptions does not substantially adversely affect the Comprehensive Plan. Carl Griffin seconded and the motion carried by voice vote.

Gary Schroeder moved that with regard to the following petition, the sign ordinance be strictly adhered to:

BZA-1674 – BURKHART SIGN SYSTEM

Carl Griffin seconded and the motion carried by voice vote.

VI. DETERMINATION OF VARIANCES

A. LAFAYETTE DIVISION OF THE AREA BOARD OF ZONING APPEALS

Gary Schroeder moved that the following request for variance from the Unified Zoning Ordinance is not a request for use variance, prohibited from consideration by ordinance and statute:

2004-35 – BURKHART SIGN SYSTEM

Carl Griffin seconded and the motion carried by voice vote.

Gary Schroeder moved that with regard to the following petition, the sign ordinance be strictly adhered to:

2004-35 – BURKHART SIGN SYSTEM

Carl Griffin seconded and the motion carried by voice vote.

VII. REVIEW AND APPROVAL OF THE AUGUST BUDGET REPORT

Sallie Fahey highlighted the August Budget Report.

Gary Schroeder moved to accept the August 2004 Budget Report as submitted. Carl Griffin seconded and the motion carried by voice vote.

VIII. OTHER BUSINESS

IX. ADJOURNMENT

Gary Schroeder moved to adjourn the meeting. Carl Griffin seconded and the motion carried by voice vote.

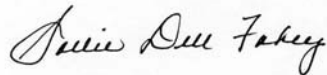
The meeting adjourned at 5:20 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Bianca Bullock".

Bianca Bullock
Recording Secretary

Reviewed by,

A handwritten signature in cursive script that reads "Sallie Dell Fahey".

Sallie Dell Fahey
Executive Director